

## 2001 DRAFTING REQUEST

### Senate Amendment (SA-SSA1-SB104)

Received: 01/22/2002

Received By: rmarchan

Wanted: 01/22/2002

Identical to LRB:

For: Brian Burke (608) 266-8535

By/Representing: Ron Sklansky

This file may be shown to any legislator: NO

Drafter: rmarchan

May Contact:

Addl. Drafters: kuesejt

Subject: Elections - campaign finance

Extra Copies:

Submit via email: YES

Requester's email: Sen.Burke@legis.state.wi.us

Carbon copy (CC:) to: ron.sklansky@legis.state.wi.us  
robert.conlin@legis.state.wi.us

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#### Pre Topic:

No specific pre topic given

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#### Topic:

SA (technical corrections) to SSA-1 (committee campaign finance bill) to SB-104 (Ellis campaign finance bill)

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#### Instructions:

See Attached

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#### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rmarchan	gilfokm					
	01/22/2002	01/22/2002					
	kuesejt						
	01/22/2002						

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For:

<END>

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1?	rmarchan	1-1/22 King	5/1 1/22	15/15 2/1/22			

FE Sent For:

&lt;END&gt;

## Marchant, Robert

**From:** Marchant, Robert  
**Sent:** Tuesday, January 22, 2002 10:01 AM  
**To:** Kuesel, Jeffery  
**Subject:** RE: SB-104 Exec. session

Jeff--

In addition to the technical correction you noted in your email, Sen. Burke (via Ron and Bob at LCS) would like the following included in one AM:

- a. Delete reference to LCC's at page 33, lines 2 & 3.
- b. AM the treatment of s. 11.26 (2) (intro.) or create a new provision in s. 11.26 to ensure that an individual serving as a conduit is subject to the committee limitations under sub. (2).
- c. AM cross reference at page 38, line 16 to include (9) (bb).
- d. Change s. 11.31 (1m) at page 37, line 8 to ensure that it is tied to specific parties (see AM to AB-155 for Travis)
- e. insert a stricken "of" at page 48, line 22, after the stricken "45%"

Sen. Burke would also like to include in the same amendment a change that ties the trigger in s. 11.50 (9) (bb) to the applicable disbursement level, rather than the applicable grant amount. As currently drafted, the supplemental grant is triggered by independent expenditures in excess of 20% of the applicable grant amount.

-----Original Message-----

**From:** Kuesel, Jeffery  
**Sent:** Friday, January 18, 2002 6:00 PM  
**To:** Marchant, Robert  
**Subject:** SB-104 Exec. session

→ [adjustment language  
parallel references  
reporting x-ref]

Rob,

Senator Burke has scheduled an exec. session of the senate finance committee on SB-104 for Tuesday morning. In reviewing SSA1 with Paul Onsager, I noted that we apparently neglected to appropriate moneys for public information. We caught this in at least one of the other drafts, I think, but not in this one. Let me know if you think I'm wrong. See Co. 510C11(9)

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**(608) 266-6778**  
**jeffery.kuesel@legis.state.wi.us**

## Marchant, Robert

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**From:** Marchant, Robert  
**Sent:** Tuesday, January 22, 2002 1:54 PM  
**To:** Kuesel, Jeffery  
**Cc:** Sklansky, Ron; Conlin, Robert  
**Subject:** SSA-1 to SB-104 technical changes

Jeff--

Editing found one more problem with proposed s. 11.50 (9) (bb) and, after talking with Ron at LCS, I decided we should fix the problem in the amendment (you were out to lunch at the time). As currently drafted, the provision arguably says that, in order to qualify for a supplemental grant, both the independent expenditures made for a candidate's opponent and the sum of the aggregate independent expenditures made against the candidate must exceed 20% of the grant amount. (i.e.,  $A > 20\%$  and  $B > 20\%$ ). It appears, though, that the intent is to provide a supplemental grant if the independent expenditures made for a candidate's opponent *plus* the aggregate independent expenditures made against the candidate total in excess of the 20% mark (i.e.,  $A + B > 20\%$ ). The amendment includes a correction to reflect the apparent intent.

Robert J. Marchant  
Legislative Attorney  
State of Wisconsin Legislative Reference Bureau  
608-261-4454



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBa1127/s 1  
RJM&JTK: King

2 pm today

RmNR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO 2001 SENATE BILL 104

D-NOTE

At the locations indicated, amend the substitute amendment as follows:

✓ 1. Page 33, line 1: delete lines 1 to 7 and substitute:

"11.26 (2) (intro.) No committee, other than a political party committee or legislative campaign committee, and no individual or committee serving as a conduit, may make any contribution or contributions to a candidate for election or nomination to any of the following offices and to any individual or committee under s. 11.06 (7) acting solely in support of such a candidate or solely in opposition to the candidate's opponent to the extent of more than a total of the amounts specified per candidate:".

✓ 2. Page 37, line 9: delete lines 9 to 14 and substitute:

PARTISAN

1 "11.31 (1m) DISBURSEMENT LEVEL FOR CANDIDATES IN COMPETITIVE PRIMARY  
 2 ELECTIONS. The total disbursement level for any candidate for a partisan office at a  
 3 general or special election whose name appears on the ballot as a candidate for an  
 4 office at a primary election preceding that election and who receives less than twice  
 5 as many votes at that primary election as another candidate for the same office  
 6 within the same political party is 120% of the amount specified in sub. (1) for the  
 7 candidate for the same office who receives the greatest number of votes in the  
 8 primary election, as adjusted as provided in sub. (9)."

9 ✓ 3. Page 38, line 16: delete "or (ba)" and substitute ", (ba), or (bb)".

10 ✓ 4. Page 48, line 22: after "45%" insert "of".

11 ✓ 5. Page 49, line 24: after "disbursements" insert ", as reported under s. 11.12  
 12 (6) (c)."

13 ✓ 6. Page 50, line 2: delete "disbursement limitation" and substitute "amount  
 14 specified under s. 11.31 (1) (a) to (d), (e), or (f)".

15 ✓ 7. Page 50, line 2: delete the material beginning with "as" and ending with  
 16 "11.12 (6) (c)" on line 3 and substitute ", as adjusted under s. 11.31 (9) but without  
 17 respect to any adjustment under s. 11.31 (1m)".

18 8. Page 50, line 2: delete the material beginning with "as" and ending with "s.  
 19 11.12 (6) (c)" line 3.

20 ✓ 9. Page 50, line 8: after "disbursements" insert ", as reported under s. 11.12  
 21 (8)."

✓ # Page 49, line 19: delete the material beginning with "without"  
 and ending with "committee" on line 22 and substitute "that is required  
 to be reported under s. 11.12 (6) (c)".

1 ✓ **10.** Page 50, line 10: delete the material beginning with "as" and ending with  
2 "~~11.31~~ (8)" on line 11 and substitute "as adjusted under s. 11.31 (9) but without  
3 respect to any adjustment under s. 11.31 (1m)".

4 ✓ **11.** Page 50, line 12: delete "When" and substitute "If".

5 ✓ **12.** Page 50, line 14: delete "sub. (1)" and substitute "s. 11.065".  
*, exceed*

6 ✓ **13.** Page 50, line 14: delete the material beginning with "determined" and  
7 ending with "(a)" on line 15 and substitute "specified under s. 11.31 (1) (a) to (de),  
8 (e), or (f)".  
*, exceeds*

9 ✓ **14.** Page 50, line 15: delete the material beginning with "in" and ending with  
10 "made," on line 16 and substitute ", as adjusted under s. 11.31 (9) but without respect  
11 to any adjustment under s. 11.31 (1m), then".

12 (END)

*# Page 50, line 13: delete ", and" and  
substitute "and of".*

PWS 2-6

1       **7.** Page 45, line 4: delete "the Wisconsin election campaign fund and"

2       **8.** Page 45, line 6: delete the material beginning with "A candidate" and ending  
3 with "contributions." on line 11 and substitute:

4       "**SECTION 78m.** 11.26 (9) (am) of the statutes is created to read:

5       11.26 (9) (am) No individual who is a candidate for state office and who accepts  
6 a grant under s. 11.50 may receive and accept more than 20% of the value of the total  
7 disbursement level, as determined under s. 11.31 (1) and as adjusted as provided  
8 under s. 11.31 (9) but without respect to any adjustment under s. 11.31 (1m), for the  
9 office for which he or she is a candidate during any primary and election campaign  
10 combined from all political party committees.

11       **SECTION 78q.** 11.26 (9) (b) of the statutes is amended to read:

12       11.26 (9)".

13       **9.** Page 45, line 12: delete "No Except as authorized under this paragraph, no"  
14 and substitute "No".

15       **10.** Page 47, line 11: after "COMPETITIVE" insert "PARTISAN".

16       **11.** Page 47, line 12: delete the material beginning with "The" and ending with  
17 "(9)." on line 16 and substitute "The total disbursement level for any candidate for  
18 a partisan office at a general or special election whose name appears on the ballot  
19 as a candidate for an office at a primary election preceding that election and who  
20 receives less than twice as many votes at that primary election as another candidate  
21 for the same office within the same political party, and who has an opponent in the  
22 general or special election who received at least 6% of the votes cast for all candidates  
23 for the office that the candidate seeks on all ballots at the September primary or any  
24 special primary preceding the general or special election, is 120% of the amount that

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBa1127/1dn  
RJM&JTK

King

[ital]  
has an opponent in the general or special election who received at least 6% of the votes cast in the primary and that candidate

Senator Burke:

The attached amendment makes the following corrections and changes:

1. It deletes the reference to legislative campaign committees in s. 11.26 (2) (intro.) and amends s. 11.26 (2) (intro.) to ensure that the committee contribution limits apply to any committee or individual serving as a conduit.
2. It specifies that the disbursement level is increased under s. 11.31 (1m) if a candidate for partisan office receives less than twice as many votes at the primary election as another candidate for the same office within the same political party.
3. It fixes the cross-reference in proposed s. 11.31 (3p) to ensure that a candidate who receives an additional grant as a result of an "opposing" independent expenditure also receives a commensurate increase in his or her disbursement limitation.

- four 4. It corrects the stricken text in s. 11.50 (9) (a).

- a 5. It makes three changes regarding the supplemental grants under s. 11.50 (9) (b), (b), and (b). First, the amendment specifies that ~~each~~ the supplemental grants are triggered by certain expenditures or disbursements that exceed 10%, 20%, or the total amount of the *disbursement limit* applicable to the particular office. As currently drafted, the supplemental grant under s. 11.50 (9) (bb) is triggered by certain expenditures that exceed 20% of the *grant amount* applicable to the particular candidate. Second, the amendment specifies that the applicable disbursement limit takes into account the cost-of-living adjustment under s. 11.31 (9) but not the adjustment a particular candidate might receive as a result of winning a competitive primary. Third, the amendment corrects a cross-reference in proposed s. 11.50 (9) (bb), with regard to the statute under which the applicable expenditures are reported.

that If you have any questions or desire any changes to this amendment, please feel free to call.

to correctly refer

Robert J. Marchant  
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E-mail: robert.marchant@legis.state.wi.us

Jeffery T. Kuesel  
Managing Attorney  
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[ital]  
Fourth, the amendment clarifies that the supplemental grant under proposed s. 11.50 (9) (bb) is available if the independent expenditures made for a candidate's opponent plus the aggregate independent expenditures made against the candidate total in excess of 20% of the applicable disbursement limit.

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBa1127/1dn  
RJM&JTK.kmg:kjf

January 22, 2002

Senator Burke:

The attached amendment makes the following corrections and changes:

1. It deletes the reference to legislative campaign committees in s. 11.26 (2) (intro.) and amends s. 11.26 (2) (intro.) to ensure that the committee contribution limits apply to any committee *or individual* serving as a conduit.
2. It specifies that the disbursement level is increased under s. 11.31 (1m) if a candidate *for partisan office has an opponent in the general or special election who received at least 6% of the votes cast in the primary* and that candidate receives less than twice as many votes at the primary election as another candidate for the same office *within the same political party*.
3. It fixes the cross-reference in proposed s. 11.31 (3p) to ensure that a candidate who receives an additional grant as a result of an "opposing" independent expenditure also receives a commensurate increase in his or her disbursement limitation.
4. It corrects the stricken text in s. 11.50 (9) (a).
5. It makes four changes regarding the supplemental grants under s. 11.50 (9) (b), (ba), and (bb). First, the amendment specifies that the supplemental grants are triggered by certain expenditures or disbursements that exceed 10%, 20%, or the total amount of the *disbursement limit* applicable to the particular office. As currently drafted, the supplemental grant under s. 11.50 (9) (bb) is triggered by certain expenditures that exceed 20% of the *grant amount* applicable to the particular candidate. Second, the amendment specifies that the applicable disbursement limit takes into account the cost-of-living adjustment under s. 11.31 (9) but not the adjustment that a particular candidate might receive as a result of winning a competitive primary. Third, the amendment corrects a cross-reference in proposed s. 11.50 (9) (bb), to correctly refer to the statute under which the applicable expenditures are reported. Fourth, the amendment clarifies that the supplemental grant under proposed s. 11.50 (9) (bb) is available if the independent expenditures made for a candidate's opponent *plus* the aggregate independent expenditures made against the candidate total in excess of 20% of the applicable disbursement limit.

If you have any questions or desire any changes to this amendment, please feel free to call.

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